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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
June 1, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, June 1, 2016 at 7:10 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy ffolliott, Commissioners David Standley, Brian O'Neill, Catherine Carney-Feldman and William McDavitt. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz. Absent with prior notice was Michele Hunton.

DEFINITION INDEX:

BVW - Bordering Vegetative Wetland

COC – Certificate of Compliance

CR – Conservation Restriction

CZM - Coastal Zone Management

DCR - Department of Conservation and Recreation

DEP - Department of Environmental Protection

EO – Enforcement Order

ICC – Ipswich Conservation Commission

IRWA – Ipswich River Watershed Association

LIAU – Land in Agricultural Use

LSCSF – Land Subject to Coastal Storm Flowage

LSP – Licensed Site Professional

NOI – Notice of Intent

NDZ – No-Disturbance Zone

O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions

OOC – Order of Conditions

ORAD – Order of Resource Area Delineation

RDA – Request for Determination of Applicability (*below is a list of possible outcomes for RDAs*)

Negative #2 Determination (NDA)– This is an approval for work in in resource areas

Negative #3 Determination (NDA)– This is an approval for work in in buffer zones

Negative #5 Determination (NDA) – This is approval for work that meets the requirements of an exception under the WPA

Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw

Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue

RPA - Riverfront Protection Act

SWM – Stormwater Management

TEC – Temporary Erosion Controls

WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

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Citizen's Queries: None

Ongoing Matters Being Continued to FUTURE Sessions:

MATTER: Keolis Commuter Services for work shown on Tax Maps 6, 13, 21, 30B, 30D, 41B, 41D, 53B, 53D, 62B, 62 and 67 Lots N/A, (no lot #'s for rail line) for a REQUEST FOR DETERMINATION OF APPLICABILITY for confirmation of wetland locations as part of a routine 5 year vegetation management control plan within jurisdictional areas. <i>Continued from 5/18/16. Request for a continuance to 6/15/16.</i>
DISCUSSION: There was no one present for this meeting. The applicant requested continuance.
RECOMMENDATION OF AGENT: <i>To continue to June 15, 2016.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to June 15, 2016. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ None</p>
DOCUMENT LIST: <i>Continuation request.</i>

Requests for Certificates of Compliance:

MATTER: 36-809: 15/17 Old Right Rd, Odoardi, Request for a Certificate of Compliance. <i>Continued from 5/18/16</i>
DISCUSSION: Present was John Grenier of J. M. Grenier Associates, engineer for the project, and Jim Odoardi, owner of the property. Mr. Grenier stated that the as-built was done per ICC's request, as well as a calculation of current impervious surface and the stormwater management system's ability to treat the stormwater in accordance with the OOC. Mr. Grenier stated the retention basin is appropriately sized. They only needed to reduce the stormwater outfall pie from 8 inches to 6 inches. Everything is stable and maintained. Chairman Hughes stated that the ICC Agent found some other discrepancies between the OOC and the as-built: the emergency overflow was in the NBZ and was not supposed to be; the dumpster was in the BZ and wasn't supposed to be; and the slope above the wetlands is armored with rip-rap, including some in the NBZ. Mr. Grenier explained that the stormwater overflow does not have any negative aspect to the wetlands, and the rip rap was needed to stabilize the steep slope. Chairman Hughes stated that currently the term "structure" under the Bylaw includes "rip rap". Chairman Hughes asked about the armored slope. Mr. Grenier thought it was in the plan. He said it was vegetated over the original the stones. Chairman Hughes asked about the dumpster being in the BZ, stating that there was a continuing condition that "no dumpster be in the BZ". [Discussion: Dumpster contents/sits on pavement/no other options for location.] Agent Geilen agreed there was no other place to put dumpster. Agent Geilen asked about the retention pond being maintained. She stated that the maintenance of the SWM Pond per the O&M Plan was unclear. Mr. Grenier thought there were no problems with it since the settling basin was all grass. Agent Geilen stated that if the Commission was ok with the deviations, considering it has been in place so long and is stable, she recommended issuing a COC.
RECOMMENDATION OF AGENT: <i>To issue a full and final COC.</i>

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MOTION:
♦ A motion was made by Commissioner Standley to issue a full and final COC. The motion was seconded by Vice-Chair ffolliott and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS:
❖ None
DOCUMENT LIST:
<i>Letter of Substantial compliance dated 5/23/16, and prepared by J.M. Grenier Associates, Inc., Plan entitled "Site Plan for Proposed Building Old Right Road, Ipswich, MA" dated 12/16/15, and prepared by J.M. Grenier Associates, Inc. and Photos.</i>

MATTER: 36-1266: 4 Nuthatch Road, Wallis, Continued from June 1, 2016
DISCUSSION: Present was Larry Graham of H.L. Graham Associates, Inc. Mr. Graham stated the gator track was removed from the NBZ. Agent Geilen showed photographs of the Mitigation Area and the Restoration Area, both were sparsely planted and underlain by bark mulch, making them appear as landscaped areas. Mr. Graham stated that there was no indication in the planting plan to not use bark mulch. Agent Geilen stated that the Commission only approves what is <i>on</i> the plan. If it's not on the plan, it's not approved (bark mulch wasn't on the plan), and therefore prohibited. Chairman Hughes suggested denser planting. She stated they could choose what to plant, but they cannot maintain in the NDZ as a "garden". She said they must let the area return to natural vegetation and not to maintain it. Commissioner Carney-Feldman asked about intentional landscaping and suggested a marker. Mr. Graham stated there were three markers. Agent Geilen thought they had asked for double the shrubs in the horseshoe area at the last meeting. Mr. Graham stated that the Commission had previously approved the planting plan before the plants went in. Agent Geilen stated that at the January 6, 2016 meeting her notes said to add more shrubs in mitigation area, but it was not in the minutes. [Discussion: Misunderstandings of planting plan/landscaped beds vs. mitigation/put in as approved/restoration vs. mitigation.] Mr. Graham vigorously asserted that the planting plan was approved and that the owner would not add more plants after the fact. Commissioner Standley recommended that the Commission assemble all documentation and come to a conclusion what had been approved rather than argue the matter. He suggested they table matter and make a determination as clearly as they can at a later time. Agent Geilen was able to find the mitigation plan. Chairman Hughes stated that according to the plan the spacing looked off for one area that contained shrubs. Commissioner Standley also suggested the Commission invite Mr. Graham to submit his material also so they can be clear. Mr. Graham agreed to have the stepping stones removed from the Restoration Area and rake out the mulch and seed it in just the restoration area, for short-term until the matter is resolved. Agent Geilen will look at video from the January meeting.
RECOMMENDATION OF AGENT:
<i>To continue to June 15, 2016 for time to review the plans.</i>
MOTION:
♦ A motion was made by Commissioner Carey-Feldman to continue to June 15, 2016. The motion was seconded by Commissioner McDavitt and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS:
❖ None
DOCUMENT LIST:
<i>Plan entitled "Record As-Built Plan" dated 5/24/16, and prepared by Graham Associates, Inc. and Photos.</i>

Requests for Determination of Applicability:

MATTER: Department of Public Works, for work at various locations shown on Tax Map: various, Lot: not specific for a REQUEST FOR DETERMINATION OF APPLICABILITY to reclaim and re-pave Linebrook Road (Pillowlace Lane to town line), Boxford Road (Linebrook Road to town line), Pond Street (Boxford Road to

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town line), Newbury Road (Herrick Drive to town line), Farley Avenue, Broadway Avenue Extension, North Perley Avenue, Town Farm Road, Old Essex Road, South Village Green, Plover Hill Road, Nabby's Point Road and Island Park Road in jurisdictional areas.

DISCUSSION: Present was Frank Ventimiglia, Operations Manager for the Department of Public Works (DPW). Agent Geilen asked about the Plover Hill portion of the project. Mr. Ventimiglia stated that it was a separate project and had been mistakenly included. Agent Geilen asked about erosion control being added to Town Farm Road. She said it would be helpful for her to go with him to look at the wetland areas. Commissioner Standley stated that he had a problem with the plan to pave Town Farm Road. He did not think they should spend the money to repave the road without raising it first because of flooding problems. Commissioner Standley felt that the projects within jurisdiction that have wetland impacts should be considered as a subset of the project and that the Town Farm Road project should be an NOI. Chairman Hughes did not have a problem with re-pavements being RDA's. Mr. Ventimiglia stated they could investigate the raising for Town Farm Road. He was not sure where the funds would come from and it could be several years. Mr. Ventimiglia stated that a cost benefit analysis would need to be submitted to FEMA. [Discussion: RDA vs NOI vs Small Projects Permit/multiple projects in one filing.]

Commissioner Standley expressed concerned for the outer Linebrook/ Boxford Road/ Pond Street project. Mr. Ventimiglia stated that the current grant they have covers paving up to the state's boat ramp. Mr. Ventimiglia requested waivers of the NDZ and NBZ. Chairman Hughes was mostly concerned about stockpiling, vehicle storage and erosion controls/no staging in BZ. Agent Geilen will add to special conditions to use 12" straw wattles, and specify no staging or storing materials or equipment in BZ. Commissioner Standley wanted to see Town Farm Road taken out. Mr. Ventimiglia requested Town Farm Road to be withdrawn from the RDA. Commissioner Standley also recommended that DA segregate "non-jurisdictional" roads.

RECOMMENDATION OF AGENT:

To issue a NDA #3 and #5.

MOTION:

- ◆ A motion was made by Vice-Chair ffolliott to approve the waivers as requested. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
- ◆ A motion was made by Commissioner McDavitt to issue a NDA #3 (By-law) with special conditions and #5 (WPA). The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plans entitled "Farley Ave, Broadway Ave Ext, North Perley Ave Paving" dated, 5/4/16, and prepared by DPW, "Island Park Rd Paving" dated, 5/4/16, and prepared by DPW, "Linebrook Rd, Boxford Rd and Pond St Paving" dated, 3/15/16, and prepared by DPW, "Nabby's Point Rd Paving" dated, 5/4/16, and prepared by DPW, "Newbury Rd Paving" dated, 5/4/16, and prepared by DPW, "Old Essex Road Paving" dated, 5/4/16, and prepared by DPW, "Plover Hill Road Drain Improvements" dated, 5/4/16, and prepared by DPW, "Plover Hill Rd Paving" dated, 5/4/16, and prepared by DPW, "South Village Green Paving" dated, 5/4/16, and prepared by DPW, "Town Farm Road Paving" dated, 5/4/16, and prepared by DPW.

New Notices of Intent, Minor Modifications and Formal Amendments:

MATTER: 36-1294: Ipswich Great Marsh Realty Trust for work at 74 North Ridge Road shown on Tax Map: 15B Lot: 001 for a NOTICE OF INTENT to raze and rebuild a single family dwelling with attached garage, driveway, drainage and grading in jurisdictional areas.

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DISCUSSION: Present was Larry Graham of H.L. Graham Associates, Inc. Also present was Margaret Vitale. The applicant requested waivers for no work in NBZ and NDZ. Mr. Graham discussed the plan. Revised plans and additional documents were submitted at the meeting. Sheet 2 was discussed which showed the proposed raze and rebuild of the house. Mr. Graham discussed the “Resource Area BZ Coverage Comparison Table”. He discussed the garage and driveway with 2 additional parking places. He discussed the retaining wall with entrance into the lower level. [Discussion: Septic tank/pump chamber/sand filter/septic system.] Chairman Hughes asked about the depth to ground water. Mr. Graham stated they had 5.7’ – 7.8’, so there was capacity for drainage. He explained that the architect designed a flat roof, with different levels which will drain. [Discussion: Pump control box/possible heated driveway to manage snow.] Chairman Hughes confirmed with Mr. Graham there is no SWM bypass. Commissioner Standley asked if the BOH had approved plan and if it had a reserve area. Mr. Graham stated there is no reserve area, and that the BOH had not approved the design yet, but that they were working on revisions and he believes they will approve it. Mr. Graham discussed sheet 3, showing drainage structure data. [Discussion: tanks/grading towards basin/irrigation/overflow/leaching trenches/infiltration trench/water levels/pipe added below to keep water from tanks/depth of trenches/grading.] Mr. Graham reviewed comments from Agent Geilen. He gave the DEP file number. He stated that the O&M plan was submitted with the revised plans at that evening’s meeting (6/1/16), along with information on snow storage. Commissioner Carney-Feldman asked about flat roof clearing of snow and needing a plan for that snow also. Chairman Hughes did not think it would be an issue. Mr. Graham stated the snow would go towards the front of the house. Mr. Graham discussed NDZ markers. Chairman Hughes wanted to see 4-5 markers. Chairman Hughes discussed the need for buffer zone restoration of the NDZ since it is in Coastal Bank. She recommended an area of native vegetation approximately 10’ upgradient from the top of Coastal Bank. Agent Geilen specified that it should be natural vegetation, densely planted. Chairman Hughes added they should make sure the undisturbed area stays undisturbed. Mr. Graham will add 25 sq. ft. of Coastal Bank impact and 75 sq. ft. of impact to LSCSF for the replacement steps to the beach. There will be new posts in the 10 foot section that is now missing. Chairman Hughes suggested they have a set of pull out or breakaway stairs at the bottom. Mr. Graham will update the revision. Agent Geilen asked about the grading. She stated the grading on the west side of the house creates a swale on a relatively steep slope and might get eroded. Mr. Graham stated they will put sod or grass on it. Agent Geilen agreed that would probably work fine. Commissioner Standley asked about the plans for the stairs. Mr. Graham stated they would be replacing in kind, same location, piece by piece. He said that most of the stairs are in decent condition, except where they are missing. Agent Geilen discussed her review of aerial photographs, when trying to determine if the steps were grandfathered. She said it looked like they had been there for a long time, but that they might have been in a different location before. Mr. Graham presented information including July 1998 change in ownership and an aerial of photo from 1971. The Commission accepted this as proof of grandfathered steps.

RECOMMENDATION OF AGENT:

To continue to June 15, 2016.

MOTION:

♦ **A motion was made by Vice-Chair ffolliott to continue to June 15, 2106. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Packet dated 5/11/16, prepared by Graham Associates, Inc. including: Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled “Permit Plan” dated 5/11/16, and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service. Revised packet dated 6/1/16, prepared by Graham Associates, Inc. and Revised Plan entitled “Permit Plan” dated 6/1/16, and prepared by Graham Associates, Inc. and Photos.

Ongoing Notices of Intent, Minor Modifications and Formal Amendments:

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<p>MATTER: 36-1277: J & K Realty Trust for work at 195, 197 & 199 High Street shown on Tax Map: 21 Lots: 7A, None & 93 for a NOTICE OF INTENT to construct an apartment building addition in jurisdictional areas. <i>Continued from May 18, 2016.</i></p>
<p>DISCUSSION: There was no one present for this matter. Agent Geilen gave a review of the matter. She stated this was continued for final revised plans that show the NDZ line and new markers and a revised planting plan with more dense plantings in the BZ area. Both were received and seem fine. There are 11 white pines in the BZ/ 32 each sweet fern, hazelnut and blueberry. They will be monitored for 2 full growing seasons. The O&M was attached. Continuing conditions were sent to the Commission before the meeting for their review. The applicant requested waivers in NBZ and NDZ. Chairman Hughes asked Agent Geilen to revised Special Condition 51 to ensure that the 50' NDZ does not include what is already maintained as lawn or part of the Mitigation/Restoration Area.</p>
<p>RECOMMENDATION OF AGENT: <i>To close the public hearing, grant the waiver requests and issue a positive OOC with the Special Conditions.</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ♦ A motion was made by Commissioner Carney-Feldman to approve the waivers as requested. The motion was seconded by Commissioner McDavitt and passed unanimously. ♦ A motion was made by Commissioner Carney-Feldman to close the public hearing. The motion was seconded by Commissioner McDavitt and passed unanimously. ♦ A motion was made by Commissioner Carney-Feldman to issue a positive OOC as drafted and amended. The motion was seconded by Commissioner McDavitt and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>
<p>DOCUMENT LIST: <i>Revised plans entitled "Site Development Permit Plan, 197 High Street, Ipswich, MA" dated 5/24/16, and prepared by Morin Engineering and "Wetland and Buffer Zone Enhancement Plan" dated 5/19/16, and prepared by Wetlands and Land Management Inc.</i></p>

Enforcement Matters:

<p>MATTER: 2 Bowdoin Road, Finlay. New enforcement matter: unauthorized construction in a resource area</p>
<p>DISCUSSION: Present were Scott and Martha Finlay. Agent Geilen gave a review of the matter. There had been an unauthorized kayak storage rack in a resource area. Chairman Hughes reiterated that no structures were allowed in this ACEC area. Chairman Hughes suggested a temporary structure that does not touch the coastal bank. Mr. Finlay was apologetic because they did not know they were in violation. Mrs. Finlay asked if they could move it in the off season. Chairman Hughes stated that part of the beach management plan for the Association of Great Neck the Commission allowed seasonal structures. Agent Geilen recommended they consider an RDA for this temporary structure. She explained the applicant would submit a design/drawing showing a plot plan with a free standing, 4-point structure and to state that it will be removed seasonally. ICC will not issue the EO since the applicant was being compliant. Commissioner Standley was concerned about a temporary structure not being anchored. ICC will check regulations in the meantime for approval.</p>
<p>RECOMMENDATION OF AGENT: <i>No EO.</i></p>
<p>MOTION: ♦ N/A</p>
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i></p>

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DOCUMENT LIST:

Photos

MATTER: 36-1281: DPW paving project Linebrook Road.

DISCUSSION: There was no one present for this matter. Agent Geilen gave a review of the matter. She stated that there was unauthorized stockpiling by the contractor of materials in the NDZ and Riverfront. They were storing pipes, erosion control materials on pallets, and equipment as close as 8' from the brook and on the Church's parking lot. They did not have permission from the church. They have moved all materials to DCR land, which is outside of ICC jurisdiction. They disturbed the soil/vegetation by the church parking lot and need to restore the area with grass seed and hay mulch. DPW fully supports this. DPW was very upset and were actually the ones who contacted ICC.

RECOMMENDATION OF AGENT:

To issue an EO for this violation as discussed.

MOTION:

♦ A motion was made by Commissioner Carney-Feldman to issue an EO as recommended by the Agent. The motion was seconded by Commissioner Standley and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ Send copy of EO to church

DOCUMENT LIST:

None

Other Business:

MATTER: Letter of support: Ipswich CZM Coastal Resiliency Grant Application for Coastal Bank stabilization.

DISCUSSION: Agent Geilen presented the matter. She has been working on the grant application and had asked for ICC support in writing, but understands it is not appropriate, as it would be, per Commissioner Standley, a "predetermination" of a project that the Commission would eventually have to review under and NOI.

RECOMMENDATION OF AGENT:

MOTION:

♦ N/A

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

None

MATTER: Payment of outstanding tax bill for land in Marsh Hundreds donated to the Conservation Commission.

DISCUSSION: Agent Geilen stated that the Commission owed back taxes on the Lambros land between \$58 and \$75. Chairman Hughes stated that land should not have been donated to the Commission if taxes were still owed on the property. She stated if someone gifts land this should have been taken care of. She questioned if town council review it first. Agent Geilen stated that there were funds in the old Land Acquisition Fund that the Commission has and just needed their permission to use it.

RECOMMENDATION OF AGENT:

To pay tax bill from the Land Acquisition Fund.

MOTION:

♦ A motion was made by Vice-Chair ffolliott to approve payment from the Land Acquisition Fund.

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The motion was seconded by Commissioner Standley and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Tax bill 5726 and Memo Re: Taxes on Rogers Island, Map 7, Lot 9 dated 3/22/16, and prepared by Robin Nolan, Chief Assessor.</i>

Tabled Matters and Discussion Items:

Interim Reports of Special Project Subcommittees - None

Approval of Minutes: None

Document Signage: (No Vote Required)

Adjournment:

♦ A motion was made by Commissioner O'Neill to adjourn at 9:13 p.m. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.

Respectfully submitted,



Cathy Miaskiewicz
Recording Secretary

These minutes are the summary of a taped meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes, nor does it exclusively rely upon them.